-VCF Document 6 Filed 10/29/14 Page 1 of 19
TES DISTRICT COURTING OCT 29 P 3: 10
T AC 1101000 (17 1000 0-1
"FIRST AMENDED TORT"
Case No. 2:14-CV-1556-RFB-YCF
PRODUCTS LIABILITY
TROT UT
SECTION 402A

A. JURISDICTION

The Plaintiff is lan A. Woods a Citizen of NEVADA a Corporation incorporated under the laws of Devada with its principal place of business in Nevada. The Defendant is Maximus Coffee broup a Citizen of NEVADA a Corporation incorporated under the laws of Nevada with its principal place of business in Nevada. The amount in Controversy, without interest and lost, exceeds the sum or value specified by 28 U.S. C. 31332.

1.) Plaintiff Ian A. Woods is an individual residing in Indian Springs, Herada Nevadar 3 * 2.) Plaintiff Gerrad Henke is a Corporation organized existing under the laws of the State of Nevada with its principal place of business 7 Corporation organized 3.) Plaintiff Clifford Stubbs the lows 9 with its principal place of business 10 Houada. 11 12 Maximus Coffee Group is a torporation Organ 13 existing under the laws of the State of Nevada, its principal place Coca-tola is a torporation the laws of the existing under with its principal place of place of business in Clark County - Indian Springs, Nevada. (.) Defendant #3 Marriagin Dew is a Corporation organizate under the lows its printipal place of business in Clark County Indian Springs, Westeda torporation organization # 6) Descendent #4 DR Pepper To a and existing under the laws business in clark county 20_ 236/9 lagisming 24' NEW Page -2-28

1	Indian Springs, Newada.
2	# 7.) Doundont # 5 Dott Cola is a Corporation organization
3	and existing under the lass of the State of Metada, wi-
4	ith its principal place of beginess in Clark lounty In-
5	dian springs, Verada.
6	#8.) Defendant * Diet Loke is a Corporation organization
7	and existing under the laws of the State of Horada, bit
8	ith its proverpal place of business in Clark towney In-
9	L'an Garas Nesada
10	#9) Defendant # 1 Red Bull is a Corporation organizat.
11	and existing under the laws of the state of H
12	evada, with its principal place of business in Clark low-
4.0	Later Trading Somes Nevada
14	# 10.) Defendant Stay Alert Forms is a Comparation org-
15	anization and existing under the laws of the State of Herada,
16	I was a breaked in black towned Indian &
17	prings, Nevads.
18	#11.) Dandant = 5- How Energy is a torporation organ-
19	ization and existing under the laws of the State of
20	Nevada, with its principal place of business in Clark L
21	ante Indian Gorinas, Neveda.
22	#12.) Defendant 10 Stacker 2 6-Hour Powder Energy Shot I
2	S a longoration organization and existing under the laws
24	C 11. CLIL of Menda with its principal place of busin
25	inces in black tounty, Nevada
26	#13.) Dandout 11 Back Star 2x Evergy Drink is a Corpora-
2	Is a restorment execution under the laws of the
	Page-3-641
()4)

1	State of Uevada, with its principal place of business in
2	Mr. W. Complex Boundar
3	1511) a C. J. L#12 Manater Energy Drink is a Carparate
4	and existing under the laws of the
5	State of Newaday With HS principal place of Dusing
6	155 in Clark County, Warada.
7	1 1 10 Doz is a lorporation organization
8	ion and existing under the laws of the State of M-
9	evada, with its principal place of business in Clark Co-
10	La Marada.
	1-c 1 1 Was Emercy Drink 13 a Corporat-
	and water and existing under the laws of the
12	State of Herado, with its principal place of business
13	" Mary trade, Nevada,
	121710 of Joseph Peosi Max is a Corporation organi
16	ander the laws of the Deade Or
10	of the state of business in
ľ	1 -1 1 Indian Donnas, Devada.
	Jantes - 3 Diet Pille is a Corpora-
1	and existing under the laws of the
2	China C 11 with it's DriverOal place at Dusiness t
2	2 n Clark County, Bevada.
2	Charbucks Practices is a lorg-
2	tration organization and existing under the laws 0-
2	4 tradion erganization and for foundy Nevada.
2	# 20) Defendant # 12 Clif Shot Energy Grel is a long-
2	6 # 20.) Detendant Cit Mos Longy mes the laws
:	oration organization and existing under the laws
:	Page - <u>니</u> -

of the State of Nevada, with its principal place of Mark County Heradas # 21.) DeSordant # 19 Energy Shoots is a Corporation occ generation and existing under the laws of the State of Houaday with its principal place of business in C-Jack Country, Devada # 22) Defendant 20 Mio Energy Liquid Water Enhau-Loc is a torgoration organization and existing under the laws of the State of Herada, with its principat place of possess in Clark County, Devada #23) December #21 NESTLE USA, Inc is a Corporation organization and existing under the laws of the Satate of Flordia, with its principal place of business in Indian Springs, Nevada. # 24) Datendant # 22 FOLGIERS COFFEE COMPANY is a corporation organization and existing under the laws of the State of Otto, with its principal place of business in Indian Springs, Verado # 25.) Defendant # 23 Maxbell House, Kraft Foods Wordh Americe is a losporation organization and existing under the laws of State of Illinois, with its principal place of business in Indian Springs, Wendar # 26) Defendant # 24 KEEFE GROUP is a Comparation organimation and existing under the laws of the State of Missouri, with its principal place of business in Indian Springs, Nevada # 27.) Defendant #25 Food And Drug Administration is a Page-5-23

1	
1	Corporation organization and existing under the laws of
2	the State of Maryland, with its principal place or observe
Q	ess in Clark Country Indian Springs, Newada.
4	C. JURISDICTION
5	<u> </u>
6	- Character also beleases
7	#28.) There is Complete obversity of Citizenship between
8	and Detendants in this Matter. Is
9	will be martelly explained below, the amount in dispose
10	11.52 actions exclusive of interest and costs, exceeds the
	Sum of \$75,000, Therefore, this court has Durisdiction over to
11	1. 1. h. welve of 78 U.S.C. 313360
12	Wig orghans ad min
13	#29.) In addition, this is a Claim within the admiralty
14	or Maritime Duriediction of the Court as the facts of t-
18	he Haim School below make thear. This is, therefore, an
16	he Claim Detout below make them, the memoring of R-
1	admiralty or maritime claim within the meaning of B-
1	ule 9(h) an Plaintiffs invoke the provisions of Rives 14(C)
1	38(x), 82, and the Supplemental Aules for admiralty or M-
2	do a bloome and asset fortestime actions.
2	
	This action arises under the United States Con-
	TIT I A STT The Water of Private Shall EX-
	tend to all cases in haw and Expression Transfer made or with
	ICH Shall Be house, Oriented the fortraile - to contraile
2	sies to which the white Child in between a State and
2	6 Versies between two Or More States of different States; Citizens of another State; between Citizens of different States; - between litizens of the Some State Claiming Lands under
2	· I
,	Page- <u>6</u> -

1	Grants of different States, and between a State, or the li-
2	tizens thereof, and foreign States, litizens or Subjects, a Fed-
3	eral Statute, Article III U.S.C. &II.
4	
5	#30.) COUNT#1
6	INADEQUATE WARNING,
7	DUTY TO WARN
•	Defendants mentioned in their Tart, section 402 A, are held
ð	liable for the induries to Plaintiffs Such as addition,
10	and health problems such as tooth decay; Kidney damage;
11	Migraine headaches; Herve damage; impaired fine motor petorman-
11	ce of the beam; Visual reaction times; depression; Heart att-
12	ach; Shakes and in some tases even death. These laffeine !-
13	ach, shakes and in some time Plantitle of the harm-
14	superies have a duty to warm Plantiffs of the harm-
15	ful Side effects that laused by using these products, t-
16	aster to warn or inadequate boarning has lowed a
17	breach in the duty, the breach was the proximate the
18	se of Plaintiffs induries.
10	Plaintiff lan of Woods has been induced by these
20	products not lontaining Charming labels, Mr. Woods has
21	Consumed a lot of latter without drinking enough worter
22	Carring , Kidney problems, wild heart attack, Nerve damage,
23	and migraine head aches. The duty to give a warning act
24	see out of a foresce able danger of physical horm acising
25	art of the name or probable use of the product and the
26	likelihood that imless worned, the user or tonsumer will
2	not ordinarilly be aware of Such danger or hazard.
O ₃	Page 7-W

Coffeine Companies or distributors Such as, Nestle USA Ing Folgers Coffee Company, Mariden House, Keefe group, and Maximus latter group, and all the other defendants, have a Tuty" to warm Plaintiffs of the addiction associated with their product. Plaintiffs drink latterne all day due to their addiction to latternated products, if Plaintiffs try to quit drinking toller or using laftermed products, thoughout experience with draws Such as: lightheadedness, migrain headockes, and depression Just to name a The Synthetic lastine made by the Manufacturer THAXIMUS COFFEE GROUP is very dangerous and highly addictive, Squthatic Cultone is made like Methon phetomines. See exhibit #2, as it shows the process as to how it's made, the defendoubs mentioned in this Tort have a Luty to worn Plaintiffs by labeling their products as to being highly additive, and the possibility of health problems. Their has been 13 deaths related to Synthetic Paffeine, see exhibitet 3 and 4 to support this Claim, Synthetic tallone is a energy boosder that's in all energy drinks and Goda's mendioned in this Took, without the groper warning induires will keep acissing due to failure to warn. A Seller is under a "duty" to provide adequate warming of danger and to provide appropriate directions for Safe USE. Comment of in Section 402A provides that in some instances "in order to prevent the froduct from being unreasonably danger ous, the "Seller" may be required to give directions or Warning? on the tontainer as to its use . For example

a day Company was found liable for "inadequate Warning" of the dangerous and not introquent side-effects of one of its drugs (MER29). Toule V. Richardson-Mercin, Inc., 251 Cal. App. 28 689, 60 Cal. Rete. 398 (1967). Coffeene of any Kind is a Stimulate, and is there fore a drug which triggers a duty-to-worn Plaintiffs. The duty to worn arises whences a manufactores Knows or reasonably should Know of the danger actions from the use of its product, that duty can arise from a manufacturers post sale knowledge acquired months, years, or even decades after the date of the first Sale of the product. Plaintiffs hold Manietacturer and distributors liable for not giving adequate-Warning" as to the addition agriced because of the Constant use of these products. Plaintiffs hold the Food and Drug Administration responsible for not enforcing warning labeles on all products that landow latterne, that is hiably additive and law lead to Scrious health problems.

431) COUNT#2

UNREASONABLY DANGEROUS

Plantites have experienced in suries from these products some of heart attacks, vision problems, beave damage, Stackes, vision problems, Severe damage, Stackes, vision problems, Severe death. These side-effects addiction, and in face loses even death. These side-effects make these products unreasonably dangerous, see extension to the stacks the United States emergency some visits related to energy drinks spixed from 1,100 in 2005

Page 9-14

23

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1	to 13,000 in 2009, and in Hovember the FDA announced
2	it uses investigating 5- How Energy after 15 deaths were
3	associated with the product. Synthetic latterine is being po
4	colored or Manufactured in Chemical factories by Companies
5	like Maximus laffer brough, these Companies are making
6	95 percent ours latterne Called powdered Catteins, the et-
7	City of these products bring Sold in Soft drinks, ever-
Я	ay drinks energy shorts, Chewing gum, Sport fiels, and wasal
9	Suraus, they are dangerous and pose a serious risk to he
10	eath and Safety with a possibility of overdosing Cousing
11	death the FDA Should have provided information caused
12	by these products, such as warning labels, and their S
12	hould have been a sotudy performed to find out THE
14	harmful side-effects associated with these products.
15	
16	#22) Wherefore Plaintites demand Judgment against
17	1 c
18	
19	14 831 D. We also seek on in Smetion against Det-
20	endants to not sell these products with out w-
21	acring labels.
22	
2	# 34) Defendants pay all Court fee's, and attorney leas
24	in this action.
2	
20	The Har 11th day of October 2014. I lan Alle
2	the same and to bear by after that all Stat-
2	Page-10-
-	

- 11	
1	ements. Facts and events within this Tost 8402A, are
2	true and Correct to the best of My Knowkedge, infor-
3	motion, and belief. I believe them to be true and correct.
4	Sound under the penalty of persony, pursuand
5	10 URS 29.010; 53.045; 208.165, and State the follow-
6	ing withour this Tort 8402A, see 280,5,C, \$1776 and
7	19119. 9.151
8	FUNTHER GOUR AFFIANT SAPETH NAUGHI.
9	Executed at: Indian Springs, Nevada, this 21 day
10	of October 2014.
11	
12	
13	BY
14	IAN A. Woods
15	#1005295
16	SOCC P.O. Box 208
17	Indian Springs, WY.
18	Pro se
19	
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21	
22	
23	
24	
25	
26	
20	
73.0	Page 11-

TRREFUTABLE EVIDENCE AND AFFIDAVIT'S ATTACHED TO TORT 8 4020

AFFIDAVIT OF: AN A WOODS 1 2 STATE OF NEVADA ss: 3 COUNTY OF CLARK 4 TO WHOM IT MAY CONCERN: 5 the undersigned, do hereby swear that all statements, facts and events within my foregoing Affidavit are true and correct of my own knowledge, information and belief, and as to those, I believe them to be True and Correct. Signed under the penalty of perjury, pursuant to, NRS. 29.010;53.045;208.165, and state the following: I have been using the froducts) mentioned in this complaint for a long time jover 10 year's rand I have new demage, Kidney durage, vision problems, migraine headaches, depression) I am bipolar disorder so the Catherine has effects) on my body for a long 14 time and effect my body differently, I wish I would Name been warned of the Side effect or long term effected before I started using these productiss I lould have made a Choice as Whether them or not, the Syndhetic Caffeine is even worse, Reaple have actually died from it, I recently found out that laffeine over 22 use parkenson diease, I wish I would have 23been warred. 24 25 FURTHER YOUR AFFIANT SAYETH NAUGHT. EXECUTED At: Indian Springs, Nevada, this 28 Day Of Augus 26 27 20/4. 28

Office

Box-208(SDCC)

Indian Springs, Nevada. 89070./ Affiant, In Propria Personam:

1	AFFIDAVIT OF:
2	STATE OF NEVADA)
3	COUNTY OF CLARK)
4	TO WHOM IT MAY CONCERN:
5	I, Jerrach Henke the undersigned, do hereby swear that
6	all statements, facts and events within my foregoing Affidavit are
	true and correct of my own knowledge, information and belief, and
8	as to those, I believe them to be True and Correct. Signed under the
9	penalty of perjury, pursuant to, NRS. 29.010;53.045;208.165, and state
10	the following: I Bagan Drinking Coffee At a Very
11	Young Age. Too Young Really. I Became A Drug Addict
12	Very Young As Well- And When "My Drugs" Were
13	Not Available, I Turned To "Energy" Pills And
14	Energy Drinks For A Buzz, Not Knowing I would
15	Kely on The Caffeine In These Products In The
16	Future. When I Became Of Age And Began To
17	Work For A living Is When I Became Aware
18	Work For A living Is When I Became Aware That I Needed & Boost To Help Me get Through
19	The Day. Without Coffee, Energy Drinks And Stacker 2:
20	My Outout was Dull Headacher came and Never
21	Went Away If I Didn't Get My Daily Issue Of Coffee I Beleve Coffee Has Had A Negative Impact
22	Coffee I Beleve Coffee Has Had A Negative Impact
23	1011 by September 1110) aranota jel I / annot (20)
24	Without A Few Capsof Coffee A Day.
25	FURTHER YOUR AFFIANT SAYETH NAUGHT.
26	EXECUTED At: Indian Springs, Nevada, this 65 Day Of Awayst ,
27	20 14. BY:
23	Post Office Box-208(SDCC)
	Indian Springs, Nevada. 89070./
	Affiant, In Propria Personam:

AFFIDAVIT OF: Clifford STUBBS 1 2 STATE OF NEVADA ss: 3 COUNTY OF CLARK 4 TO WHOM IT MAY CONCERN: 5 I, Clifford Stubbs. the undersigned, do hereby swear that all statements, facts and events within my foregoing Affidavit are 6 true and correct of my own knowledge, information and belief, and as to those, I believe them to be True and Correct. Signed under the penalty of perjury, pursuant to, NRS. 29.010; 53.045; 208.165, and state the following: I Am addicted to caffeine in coffee 11 I have to have it, when I don't drink Because 12 I get server Headaches, like migraines and 13 my motor nerve impairment, I have the shakes, 14 Iam depressed. I even have minor kidney 15 problems like they Hart at times. it's like the 16 withdrawals are strongly in bearable. 17 I can't stop. I have to have (2) Two Heaping 18 19 Spooneful in my coffee cup. I Am Highly 20 I wate up with Headaches 21 in the mornings that depends on costee 22 casteine to subside each day. 23 24 25 FURTHER YOUR AFFIANT SAYETH NAUGHT. EXECUTED At: Indian Springs, Nevada, this 21 Day Of October 26 27 2014. 23 <u> Indian Springs, Nevada. 89070.</u>

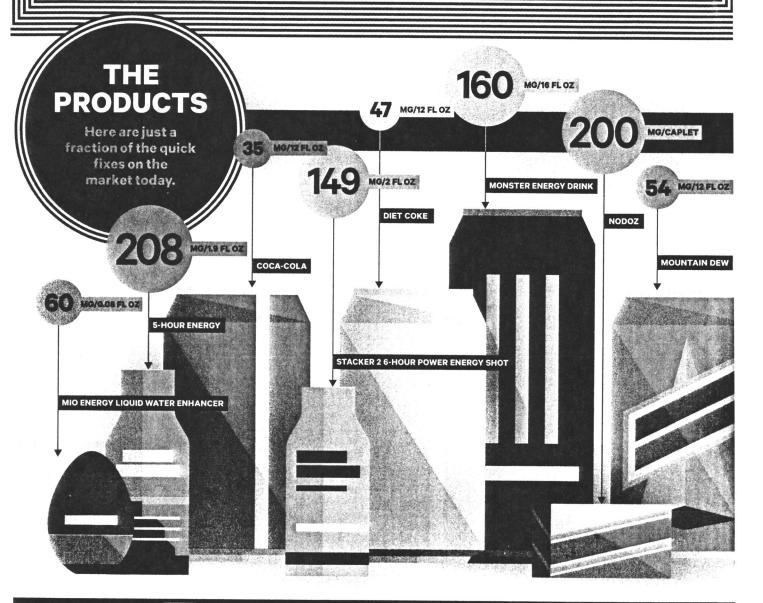
Affiant,In Propria Personam:



C₈H₁₀N₄O₂

Inside the overstimulated, underregulated, multinational

CAFFEINE industry.



The History

Highlights of our 5,000year addiction to caffeine. 2737 BC

hot water.

Chinese emperor Shen Nung is said to discover tea when leaves blow into his cup of AD 350

The first account of planting and drinking tea is published in China.

Coffee, previously

ca. 1000

eaten as beans, is first infused with water.

The process of roasting coffee is discovered.

1300s

Mecca's governor bans coffee, citing ill health effects and bad behavior in those who drink it.

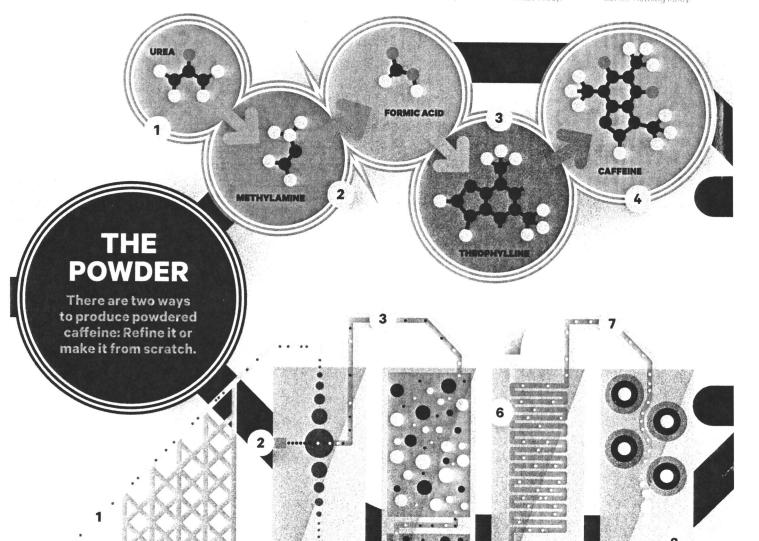
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These days, the majority of caffeine is made in chemical factories—and most of that happens in China. According to Panjiva, which tracks global trade, just three Chinese firms manufacture nearly half of the caffeine consumed in the US. Different factories make caffeine in slightly different ways, but here's how German firm BASF does it.

1) The essential building block of caffeine is urea, a nitrogen rich compound produced from ammonia (Walk by a synthetic-caffeine factory and you'll often catch that distinctive cat pee smell.)

2) The urea is transformed with agents like methylamine (whose role in making crystal meth you might remember from Breaking Bad) and formic acid (which ants emit when threatened).

3) Eventually it becomes theophylline, a stimulant with properties much like caffeine's, if not for our long history with be drinking theophylline sodas today. 4) The theophylline is mixed with methyl chloride, which "methylates" it. Voilā—pure synthetic caffeine. "It's classic organic chemical synthesis," says MIT researcher Stephen Sofen. "Nothing fancy."



Natural Caffeine

America's largest natural caffeine producer is Maximus Coffee Group, which extracts it from more than 100 million pounds of beans per year. Here's how.

- 1) Beans are blown to the top of a 16story tower 2) Highpressure carbon diaxide is pumped through them as they fall stripping away caffeine while leaving the caffee flavor intect.
- 3) The caffeine-laden carbon dioxide is blended into water
 4) That solution is
- 4) That solution is pumped into another chamber, where the pressure drope, separating the caffeine and water from the CO.
- 5) The caffernated liquid roughly 0.2 percent cafferner is stored in tanks
- 6) It then flows through concentrators, where steam coils evaporate it into a syrupy
- caffeine concentrate
 7) Finally, the concentrate is poured over hot rotating drums to dry
- 8) What's left is a flaky tan powder: natural caffeine, roughly 95 percent pure.

1909 1911 1938 1980 1985 1985

Federal government seizes shipment of Coca-Cola over the alleged ill effects of caffeine. Coke hires psychologist Harry Hollingworth, who demonstrates the benefits of caffeine. Nescafé instant coffee is launched.

Journalists at the 1980 Democratic National Convention are offered emergency NoDoz kits. Jolt Cola is introduced.

Starbucks goes public.

BRAIN

Caffeine acts by blocking the neurotransmitter adenosine, which tells us when we're tired. It binds to the receptors that adenosine normally occupies—in essence,

hogging the bar stool so adenosine is unable to sit down. Besides imparting a feeling of energy and alertness,

EYES

A study of Navy SEAL trainees found that 200 to 300 mg of caffeine (four to six cans of Mountain Dew) yielded a measurable improvement in vigilance and visual reaction times.

THE POWER-UP

Caffeine starts by crossing the blood-brain barrier—then it creates effects throughout the body.

HANDS

A 1912 study of caffeine's effects reported that the drug increased the speed of a 38-year-old "lady typewriter." More recent research, however, has shown that it can actually impair fine motor performance—especially in infrequent users, who get the jitters.

LEGS

Runners too seem to benefit from caffeine, with an increase in "time to exhaustion" (how long you can run without stopping). In general, optimal benefits for athletes tend to involve dosing of 3 to 6 mg per kilogram of body mass. To reach 6 mg/kg, a 175-pound athlete would need 480 mg of caffeine, or six cans of Red Bull.

ARMS

A 2010 study found that caffeine increased upper-body strength in female gym-goers. It also seems to provide a small endurance boost: In a study of competitive rowers, average times in a 2,000-meter race dropped by more than 1 percent.

THE PROBLEM

Caffeine is addictive; also, since it's a diuretic, it can cause dehydration. But worst of all, in rare cases an overdose of caffeine can kill you, typically by stopping your heart. The FDA hasn't released much data about the 13 deaths it's investigating, but in at least three cases the official cause of death was heart attack. Usually it takes a lot of caffeine to get there. In April 2010, a Briton named Michael Bedford ate two spoonfuls of pure caffeine powder and washed it down with an energy drink. He quickly vomited, collapsed, and died. But Bedford likely consumed more than 5 grams of caffeine—the equivalent of 24 shots of 5-Hour Energy. That's more than even the biggest buzz-chaser would ever want to swallow.

MURRAY CARPENTER (murraycarpenter com) is writing a book about caffcine, All Jacked Up, to be published next year by Mudern Street Press.

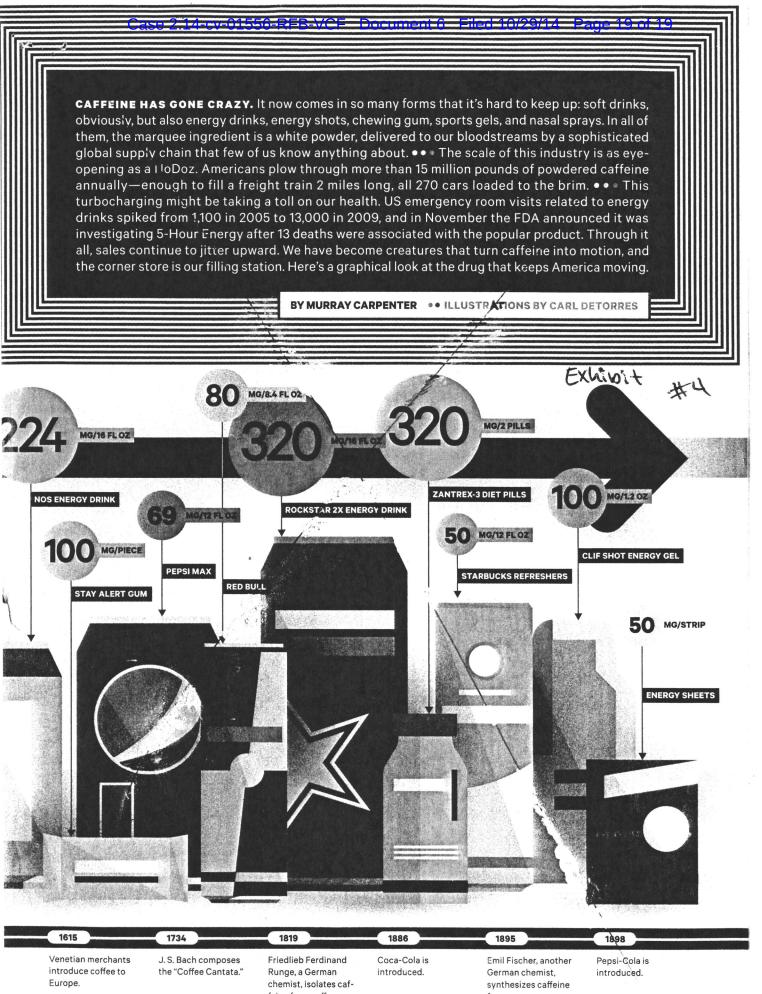
1997 2003 2004 2009 2011 2012

Red Bull is launched in the US.

Stay Alert gum is introduced.

5-Hour Energy creates the first "energy shot."

Scientists and state attorneys general petition the FDA to restrict alcoholic energy drinks. LeBron James introduces Sheets, melt-on-the-tongue caffeine strips. The FDA investigates claims of 13 deaths related to 5-Hour Energy; results are still pending.



feine from coffee.

from urea.